

REMARKS

Claims 1-5 and 8-14 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ferrer et al. (U.S. Patent No. 6,364,854). Inasmuch as claims 4 and 5 and 12-14 have been cancelled without prejudice, the remarks hereinbelow will be limited to claims 1-3, 8, 10 and 11.

The Examiner's rejection with respect to the above-identified claims overlooks an extremely important feature of applicant's invention. Although it is believed that the claims as originally submitted are patentably distinguishable from Ferrer, claims 1 and 8 have been amended to specifically describe that the piston remains in the barrel upon movement of the plunger away from the piston since the plunger is detachably connected to the piston with the piston remaining in the barrel thereby ensuring that the applicator may not be reused. In Ferrer, there is absolutely no teaching whatsoever that if the plunger is moved away from the piston, the end of the plunger will disconnect from the piston to ensure that the piston remains in the barrel thereby ensuring that the applicator may not be reused. Therefore, claims 1-3, 8, 10 and 11 cannot possibly be anticipated by Ferrer.

Claims 6, 7, 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ferrer in view of Reinhard et al. (U.S. Patent No. 6,280,418). Inasmuch as claims 6, 7, 15 and 16 have been cancelled without prejudice, there is no need for applicant to respond to said rejection.

The prior art completely fails to teach the concept of preventing the reuse of the applicator by providing a detachable connection between the plunger and the piston

1 which allows the piston to be moved towards the dispensing end to dispense the
medication therein but if the plunger is moved away from the piston, the plunger will
disengage from the piston thereby preventing the applicator from being reused.
Further, claims 3 and 11 specifically describe that the piston is constructed so as to
5 destruct if an attempt is made to manually move the piston towards the open end of
the barrel by applying force against the first end thereof, thereby further ensuring that
the applicator may not be reused.

Accordingly, the claims remaining in this application are believed to be
10 patentable.

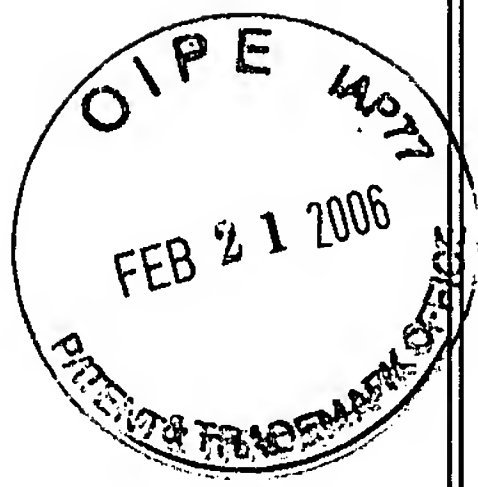
No fees or extensions of time are believed to be due in connection with this
Amendment; however, please consider this a request for any extension inadvertently
omitted and charge any additional fees to Deposit Account No. 502093.

Respectfully submitted,



DENNIS L. THOMTE
Registration No. 22,497
THOMTE, MAZOUR & NIEBERGALL
Attorneys of Record

20 2120 S. 72nd Street, Suite 1111
Omaha, NE 68124
(402) 392-2280



CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT for TROY M. JUST, Serial No. 10/668,785, was mailed by first class mail, postage prepaid, to Mail Stop Amendment, Commissioner for Patents, Alexandria, VA 22313, on this 16 day of February, 2006.

Dennis L. Thomte

DENNIS L. THOMTE